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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF ALASKA

RANNA FEKRAT,)	Case No. _____
)	
Plaintiff,)	
)	COMPLAINT FOR DAMAGES
vs.)	
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	
_____)	

COMES NOW the Plaintiff, RANNA FEKRAT, by and through
counsel, William D. Cook, and for her cause of action against Defendant,
states and alleges as follows:

ALLEGATIONS COMMON TO ALL CLAIMS

1. Plaintiff Ranna Fekrat, at all times relevant hereto, was a resident of Anchorage, in the Third Judicial District, State of Alaska.
2. Ranna Fekrat is not an eligible beneficiary of services required to be provided to Alaska Natives and others by the U.S. Department of Health and Human Services and the Indian Health Services. On December 12, 2013 Plaintiff was transported by Municipality of Anchorage Emergency Medical Services to the Alaska Native Medical Center, hereafter ANMC, for emergency medical treatment of injuries she received in a motor vehicle collision that day. After emergency treatment, Plaintiff was discharged and advised to report to the orthopedics clinic at ANMC on the morning of December 13. She followed this instruction and on December 13 Plaintiff underwent surgery for repair of injuries to her left arm. ANMC, under its contract with the U.S. Government, is required to provide quality and reasonable health care to its patients, including Plaintiff, regardless of ethnic status.
3. Prior to December 13, 2013, Ranna Fekrat was a physically active woman with no history of complaints or problems with her left arm. As a result of the collision cited above Plaintiff suffered a left proximal ulna

fracture and a left distal ulna fracture, necessitating surgical repair. Surgery was performed on December 13 by Gregory John Thomson, M.D., a then-employee of ANMC.

4. As outlined below, ANMC breached its duty of reasonable care in this matter; its contractors and health care providers working at its orthopedic surgical department were negligent, resulting in permanent injury to the Plaintiff.

5. On or about December 13, 2013, Plaintiff was taken to the operating room at ANMC where Gregory John Thomson, M.D. and medical staff performed procedures in which plates and screws were inserted in Plaintiff's left proximal and distal ulna. Two and one half weeks post-surgery, Leslie J. Maerki, PA at ANMC, fitted Plaintiff with a short arm cast which was intended to provide support to the arm as it healed.

6. Upon information and belief, all or most of the practitioners and health care workers named herein, and those that provided care to the Plaintiff, on or about December 13, 2013, and at all times relevant to this complaint, were employed, agents of, and working for ANMC. All or most of such health care workers' and practitioners' activities and work arose from employment with an agency of the U.S., or otherwise

pursuant to 25 C.F.R. 900.192; and all such persons are eligible for Federal Tort Claim Act coverage, pursuant to 28 U.S.C. 2679(d)(1).

7. Six months after her December 2013 treatment at ANMC, Plaintiff, who continued to experience pain and restricted range of motion in her left arm, consulted with Anchorage orthopedic surgeon Michael McNamara, M.D., who confirmed failed union of the proximal plate with the ulna. He performed surgery on July 30, 2014 to replace the failed plate and screws. Dr. McNamara reported that the ten-hole plate had only four screws in place and that the area around it was hypertrophic. Furthermore, the Plaintiff has since learned that the short arm cast ordered for Plaintiff on January 31, 2014 did not provide sufficient support to protect the slow healing injury to the arm.

8. Due to the failures outlined above, Plaintiff now suffers a permanent and painful condition, which includes pain, weakness and loss of function in her left arm, and has resulted in lost wages, lost function, and which may require additional treatment.

CAUSE OF ACTION: NEGLIGENCE

9. Plaintiff realleges and incorporates herein as though they were set out in full, all allegations of the preceding paragraphs, and further alleges as follows:

10. Alaska Native Medical Center, through its employees, agents and servants, were negligent in their acts and omissions, including, but not limited to, failure to adequately and competently perform procedures; failure to perform necessary procedures; failure to provide adequate treatment; failure to act with a reasonable degree of care; and general failure to act with due care. Such negligence includes failure to operate a competent orthopedic surgery department.

FIRST CLAIM FOR RELIEF (MEDICAL MALPRACTICE)

11. As a direct and proximate result of Defendant's negligence, Ranna Fekrat experienced economic and non-economic damages; loss of work; loss of subsistence; permanent impairment; physical injury; pain and suffering; severe emotional distress, mental anguish and other injury, and harm in an amount in excess of \$5,000,000 (five million dollars), the exact amount to be proven at trial.

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

1. For compensatory damages in excess of \$5 million, the exact amount to be determined at trial;
2. For interest, costs, and attorney's fees; and

3. For such other and further relief as the Court deems just and proper.

DATED this 14th day of June, 2016 at Anchorage, Alaska.

A handwritten signature in black ink, appearing to read 'William D. Cook', written over a horizontal line.

WILLIAM D. COOK
Attorney for Plaintiff Ranna Fekrat